

staff report

DATE: February 25, 2014

TO: Mark Scott, City Manager

FROM: Joy R. Forbes, Community Development Director
Via: Tom Sloan, Acting Assistant Community Development Director
By: Collin Ogle, Building Inspector II

SUBJECT: Code Enforcement Program

RECOMMENDATION

Note and file

BACKGROUND

Both the City Manager and members of the City Council requested a presentation of the City's code enforcement program. The Building Division's code enforcement program ensures that private properties in Burbank are in compliance with the Burbank Municipal Code (BMC), which includes adopted codes such as the California Building Code and the International Property Maintenance Code. This enforcement program primarily responds to complaints submitted by the citizens of Burbank as well as City and County Agencies. However, there are circumstances in which the Building Division does proactively enforce the code.

DISCUSSION

The primary categories of property code enforcement, as stated in Exhibit A, are lack of property maintenance, unpermitted construction, zoning and licensing violations. Some examples of maintenance violations are an excessive accumulation of junk, trash and debris, overgrown vegetation, inoperative vehicles, unmaintained pools and a structure's lack of maintenance. Unpermitted construction violations include remodeling, additions, structures and conversions that are constructed without approval from the City. Many unpermitted construction violation cases also involve violations of the City's zoning requirements. Examples of zoning violations not related to construction include trailers or motor homes in the front setback and over height hedges or fences.

Licensing violations include illegal advertising/signage, unpermitted home business occupations, unpermitted garage sales and businesses operating in the City without a City license. The process for verifying and gaining compliance for licensing violations can differ from other property code enforcement cases based on the public nature of commercial business and access to the business owners based on businesses being licensed with the City.

There are other complaints that may have to be directed to other departments within Burbank, such as the Police Department, Fire Department, Public Works and Burbank Water and Power, if they concern code issues outside the Building Division's jurisdiction.

When the Building Division receives a complaint it is entered into the computer system by property address. Once the code enforcement activity is generated an inspector performs an initial inspection of the property from the public right-of-way or the complainant's property. The process for evaluating possible violations during an inspection varies based on the type of complaint. An unpermitted construction or zoning complaint is determined to be a violation once the unpermitted construction work or zoning violation is observed by an inspector and it is verified that the work needs to be permitted based on specific parameters set forth by the BMC. In contrast, other property maintenance complaints, such as overgrown vegetation or junk, trash and debris, may require more consideration of the severity or degree of the maintenance issue.

In some cases the complaint cannot be verified from the public right-of-way. This is when it is beneficial to contact the complainant to discuss their complaint further and obtain additional details. Only the owner of the property or tenant of the building/unit can grant access to the property past the front yard and front door. A tenant can only grant access to the area they are renting and common areas on the property.

The initial inspection helps establish the accuracy of the complaint. In some cases this inspection is all that is needed to move forward with enforcement. In other instances further research or a Request For Access letter is required to be sent to the property owner to gain access to the property. The property's permit history and aerial maps may also be used to determine if a violation exists.

An inspector may attempt to initiate contact with the property owner at the front door or by phone if the alleged violation is considered a potential safety hazard, such as a leaking sewer line. Further action may be required and other City resources utilized if the hazard is imminent and the owner cannot be reached.

Once a violation has been confirmed on a property, a correspondence process is initiated. A Notice Of Violation letter is sent to the property owner alerting them to the violation(s) present on their property and the requirement to correct it. If the owner is not responsive, a Notice And Order letter and then a Final Notice letter is sent to the property owner.

Each notice provides time to make the necessary corrections. If the property owner needs more time to correct the violations they may submit a written extension request that must include a reasonable cause for the extension needed, as well as a reasonable timeline for completing the required work. Verification of progress may be required depending on the time requested. In many cases approval for additional time to correct violations is dependent on the immediacy of the action taken by the property owner to address the more critical aspects of the violations.

The Notice And Order letter informs the owner that the violation may be recorded against the property with the office of the County Recorder. Recording violations on the

property provides perspective buyers with information about verified code violations if the property owner attempts to sell the property. A recordation is also used if a property owner has corrected life-safety or zoning violations but has outstanding minor violations that they are unable to address due to financial hardship. The recordation of the violation can be lifted from the title of the property after the correction has been completed by the property owner and verified by the inspector.

Property owners that are not responsive towards correcting the verified violations stated in the letters may be referred to the City Attorney's Office for further enforcement. If the violations are minimal enough, such as a washing machine installed under a rear patio cover on a residential property, a decision may be made to only record the violations against the property. This code enforcement process is illustrated in the attached flow chart, Exhibit B.

When the City Attorney's Office receives a case from the Building Division's code enforcement program, a prosecutor will evaluate the evidence in that case. The prosecutor will then work with the Building Inspector to find a way to bring the property into compliance short of filing a criminal case. If warranted, the City Attorney's Office will file criminal charges against a property owner. Prosecution of these cases typically takes several months. The result the City Attorney's Office is seeking is compliance with the codes and the general wellbeing and safety of the community.

FISCAL IMPACT

The Building Division's code enforcement program consists of 2.5 full time equivalent employees (one Building Inspector II and 1.5 Building Inspector I positions). Business licensing enforcement consists of four employees with additional licensing duties. Additional expenses associated with running the program include vehicle and computer rental fees as well as a portion of the division's materials, supplies and services budget. In general, Building Division staff is able to respond to most complaints within one business day. If a complaint concerns a life-safety matter, the response time is shortened to as soon as physically possible.

The Burbank City Attorney's Office's prosecution unit consists of three prosecutors, two support staff and volunteer prosecutors. Last fiscal year, the City Attorney's Office prosecuted 4,874 criminal cases. Approximately 10 of those cases were referred from the Building Division's code enforcement program. The City Attorney's Office also handles code violation cases from the Burbank Police Department, Burbank Animal Control, Burbank Fire Department and the Los Angeles County Department of Public Health.

CONCLUSION

The cost, time and effort required to correct the vast array of possible violations varies depending on the number of violations, the extent of the violations and the property owner's situation. Certain situations such as foreclosures, property sales, financial hardships, medical conditions and physical limitations of the owner can affect the ability to correct the violations.

The Building Division recognizes that the main goal of the code enforcement program is to achieve compliance with the municipal and state codes in order to maintain a safe and sound community. This goal is most effectively achieved by working with the property owners to reach a resolution.

EXHIBITS

- Exhibit A: PowerPoint Presentation slides
- Exhibit B: Code Enforcement Process – Flow Chart